

Notice of Allowability	Application No.	Applicant(s)	
	10/735,098	PETTERSSON-FERNHOLM ET AL.	
	Examiner	Art Unit	
	Jennifer E. Graser	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/2/05.
2. ☒ The allowed claim(s) is/are 56,57 and 59-64.
3. ☒ The drawings filed on 12 December 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/485,760.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>8/3/05</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Han on 8/2/05. Claims 40-52, 54, 55 and 58 are cancelled. Claims 56, 57 and 59-64 are allowed.

The application has been amended as follows:

Please replace the listing of all prior versions of the claims with the following:

56. (Currently amended): An isolated polynucleotide comprising the nucleotide sequence set forth in SEQ ID NO: 1 (from nucleotide 100 to nucleotide 2274); SEQ ID NO: 3; SEQ ID NO: 5; SEQ ID NO: 7; or SEQ ID NO: 9.

57. (Currently amended): An isolated polynucleotide comprising a polynucleotide sequence which encodes a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2, 4, 6, 8 or 10.

59. (Currently amended): A recombinant expression system comprising the polynucleotide of claims 56 or 57, wherein said expression system is capable of producing a polypeptide comprising an amino acid sequence set forth in SEQ ID NO: 2, 4, 6, 8 or 10.

60. (Currently amended): A host cell comprising the recombinant expression system of claim 59.

61. (Currently amended): A process for producing a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2, 4, 6, 8 or 10 in a compatible host cell, comprising culturing the host cell of claim 60 under conditions sufficient for the production of said polypeptide and recovering the polypeptide from the culture.

62. (Currently amended): A process for producing a host cell which produces a polypeptide comprising the amino acid sequence set forth in SEQ ID NO: 2, 4, 6, 8 or 10, comprising transforming or transfecting said host cell with the recombinant expression system of claim 59 such that the host cell, under appropriate culture conditions, produces the polypeptide.

63. (Currently amended): A kit for diagnosing infection with *N.meningitidis* bacteria in a human comprising an isolated polynucleotide of claim 56 or 57.

64. (New): An isolated polynucleotide having at least 90% identity to a polynucleotide sequence set forth in SEQ ID NO: 1 (from nucleotide 100 to nucleotide 2274); SEQ ID NO: 3; SEQ ID NO: 5; SEQ ID NO: 7; or SEQ ID NO: 9; whereby said isolated polynucleotide can detect *N.meningitidis* DNA under stringent hybridization conditions, in which the stringent hybridization conditions are defined as overnight incubation at 42°C in a solution comprising: 50% formamide, 5xSSC (150mM NaCl, 15mM trisodium citrate), 50mM sodium phosphate (pH 7.6), 5x Denhardt's solution, 10% dextran sulfate, and 20 microgram/ml denatured, sheared salmon sperm DNA, followed by washing in 0.1xSSC at about 65°C.

2. Correspondence regarding this application should be directed to Group Art Unit 1645. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center located in Remsen. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 1645 Fax number is 571-273-8300 which is able to receive transmissions 24 hours/day, 7 days/week.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer E. Graser whose telephone number is (571) 272-0858. The examiner can normally be reached on Monday-Friday from 7:00 AM-4:30 PM.

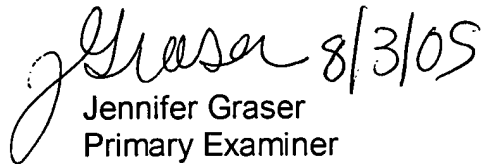
Application/Control Number: 10/735,098

Page 4

Art Unit: 1645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith, can be reached on (571) 272-0864.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-0500.

 8/3/05
Jennifer Graser
Primary Examiner
Art Unit 1645